

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

BOBBY E. BURTON, JR., )  
Petitioner, ) Case No. 2:14-cv-02311-VEH-TMP  
v. )  
BRUCE ARMSTRONG, *Warden*, )  
*et al.*, )  
Respondents. )

**MEMORANDUM OPINION**

On November 27, 2014, the petitioner filed the above-styled petition for writ of *habeas corpus*. Along with his petition, the petitioner filed a motion to proceed *in forma pauperis*. (Doc. 2). The petitioner was notified by the court that his motion to proceed *in forma pauperis* was deficient and he was ordered to, within thirty days, either properly complete the motion or pay the \$5.00 filing fee. (Doc. 4).

After the expiration of thirty days, the court sent the petitioner a second Notice of Deficient Pleading, and allowed him thirty additional days to either properly complete the motion to proceed *in forma pauperis* or pay the \$5.00 filing fee. (Doc. 5). More than thirty days has elapsed since the court filed the second Notice of Deficient Pleading and the petitioner has failed to comply with or otherwise respond

to the order. Accordingly, the above-styled case is due to be dismissed without prejudice for failure to prosecute. A final order will be entered contemporaneously herewith.

**DONE** this 24<sup>th</sup> day of February, 2015.



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**VIRGINIA EMERSON HOPKINS**  
United States District Judge